

REMARKS

Applicants have carefully reviewed the Office Action dated February 28, 2005. Claims 22-27 are pending in this application. Reconsideration and favorable action is respectfully requested.

Claims 22-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of *Hudetz et al.*, *Ogasawara* and *Simonoff et al.* This rejection is respectfully traversed.

Applicants have discussed the combination of these three references in a prior response. However, the Examiner has specifically pointed out that *Ogasawara* discloses, in Col. 10, lines 43-46, that "each message coming from a wireless telephone 18 [is] associated with the customer's telephone number, customer ID or some other unique identifier." The Examiner considers that this language clearly contradicts Applicants' previous position. Applicants disagree with this. The *Ogasawara* reference discloses, beginning at Col. 10, line 42, that the store server (10) facilitates purchase transactions. Each message that is received from a wireless telephone is associated with some type of customer telephone number, customer ID or some other unique identification. In Col. 10, beginning at line 20, *Ogasawara* sets forth the following:

...When the store server 10 or remote server 26 is called by the customer's wireless telephone 18, then the telephone interface obtains the customer's phone number and then searches the customer information database in the store server 10 or remote server 26 in order to obtain the following information: customer's telephone number, download program ID, customer ID, and customer name. This information is preferably stored in the store server 10 or remote server 26 when the customer enrolls in the personal shopping application. In this manner, the customer's telephone number provides a degree of validation, and thus serves to indicate that the customer is authorized to make purchases.

It can be seen from this language that the customer's wireless telephone number is utilized for the purpose of identifying the customer. This is specifically a user ID. The purpose for utilizing this customer's number is to provide a degree of validation for the purpose of indicating that the customer is authorized to make purchases. In Applicants' claim, on the other hand, there is provided an

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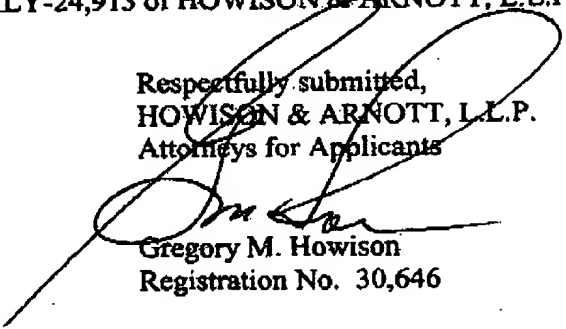
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association between the input device ID and the scanned value. There is no motivation or suggestion that such would be the case in *Ogasawara*. There is no relation that was disclosed anywhere in *Ogasawara* between what is scanned and any customer telephone number. Further, the telephone number is associated with the customer and not with the input device, per se. Applicants believe that it is well known that a telephone number can be associated with any device and this can be changed. The telephone number is associated with the user and that is the purpose for it. Therefore, in Col. 10, lines 44-46, the terminology "the customer's telephone number, the customer ID or some other unique identification" refers to identifying the user as opposed to identifying the device. Applicants' claim specifically refers to the input device being identified. As noted in the previous response, this is for the purpose of redirecting a particular device for a particular code or unique value to a particular location. This means that two of the same input values scanned from a product could be routed to different locations, depending upon the input device code. As such, Applicants believe that the *Ogasawara* reference is not properly combined with *Hudetz et al.* and *Simonoff et al.* to support the rejection. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. §103 rejection with respect to Claims 22-27.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,913 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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